

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUAN CARLOS ALONSO,

Plaintiff,

v.

No. 16-cv-0903 MV/SMV

**JULIE BARHAM and
CHILDREN, YOUTH AND FAMILIES
DEPARTMENT,**

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO LIFT STAY

THIS MATTER is before the Court on Plaintiff's Motion to Lift Stay [Doc. 41], filed on January 11, 2019. Defendant Children, Youth and Families Department responded on January 28, 2019. [Doc. 44]. Defendant Julie Barham responded on February 1, 2019. [Doc. 45]. Plaintiff replied on February 5, 2019. [Doc. 47]. For the following reasons, Plaintiff's Motion is **DENIED WITHOUT PREJUDICE**.

Discovery in this matter is stayed until further order of the Court. [Doc. 35] at 1. The Court originally stayed discovery because a New Mexico state court stayed an underlying criminal proceeding with overlapping factual allegations. [Doc. 21]; *see* [Doc. 20]; [Doc. 20-1]. The state court stayed its case pending resolution of Defendant Barham's competency to stand trial. *See* [Doc. 28-1] at 1–3; [Doc. 45] at 1. The original request for a stay in this Court was unopposed and on November 16, 2016, the Court stayed proceedings for 60 days. [Doc. 21]. After three additional continuances of the stay, discovery is currently stayed pending further order of this Court. [Doc. 24]; [Doc. 27]; [Doc. 35].

Plaintiff moved to lift the stay on January 11, 2019. [Doc. 41]. The Court ordered Defendant Barham to file a status report because “[a] status hearing on the competency issue [in state court] is scheduled for February 19, 2019.” [Doc. 45] at 1 (alterations in original). Defendant Barham filed her status report on February 21, 2019. [Doc. 49]. In it, she informs the Court that “the February 19, 2019 hearing was cancelled due to weather conditions. As of this writing, the status hearing has not yet been rescheduled.” [Doc. 49] at 1.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Lift Stay [Doc. 41] is **DENIED WITHOUT PREJUDICE**. Plaintiff may again move to lift the stay after the state-court hearing on Defendant Barham’s competency occurs.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge